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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,733	12/16/2003	Yoichi Motoori	032159	3637
38834	7590	06/30/2006	EXAMINER	
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036			BRAHAN, THOMAS J	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 10/735,733	Applicant(s) MOTOORI ET AL.	
Examiner Thomas J. Brahan	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-25 is/are rejected.
- 7) ☒ Claim(s) 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/14/2006</u> | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

3. Claims 14, 15, 17 and 18 are rejected under 35 U.S.C. § 102(b) as being anticipated by JP 9-315,521 (cited by applicant). Figure 1 of JP '521 shows an overhead traveling carriage system comprising:

an overhead traveling carriage (32) which runs along a running rail (31) and conveys an article (3),

a stocker (1) which delivers and receives the article to and from said overhead traveling carriage, and

a plurality of processing devices which receive the article (see figure 3), wherein the stocker includes an elevating space (the central space between the shelves) in which a platform (at 104) is raised or lowered,

wherein the stocker includes a storage space (12 or 13) in which a plurality of shelves are provided in a vertical direction to store said article,

wherein the elevating space is disposed nearer to a running path of the overhead traveling carriage than is the storage space, as viewed from above,

wherein said overhead traveling carriage and the running rail are disposed above the stocker, and

wherein the elevating space and the storage space are of an equal height.

The stocker is considered as adjacent to processing devices as adjacent is a relative term, as

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recited in claim 15. The elevating space is directly below the running rail, as recited in claim 17. There is an opening formed at the top of the elevating space, as recited in claim 18.

4. Claims 16 and 20 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over JP '521. Figure 1 of JP '521 shows the basic claimed overhead traveling carriage system with a stocker (1), as detailed above. Figure 3 shows the overall layout with what appears to be the stockers (1B-1D) and the various processing devices. All four of the stockers are shown with a processing device on opposing sides, as to have the stocker in a "gap" between two processing devices, as recited in claims 16 and 20. If this interpretation of figure 3 is inaccurate, it would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to locate processing devices on along the running rail (2) as to have one on each sides of the stocker (1), as figure 1 shows the rail (2) extending beyond the stock as to lead somewhere.

5. Claims 21-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over JP '521 et al in view of JP '4-80107. JP '521 shows the basic claimed overhead traveling carriage system and stocker, as detailed above, but varies from the claims by not having the elevator platform (104) engaging a bottom surface of the load (3). JP '107 shows a similar automated elevator with a platform (31) with an engagement member engaging the bottom surface of the article (60) and guiding it on rollers (at 36). It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the lift stage of the elevator of JP '521 by forming its platform as a surface which supports the load from underneath and guides it with rollers, for a smooth transfer between the elevator and the shelves, as taught by JP '107. The lift platform of JP '107 includes guide surfaces (26 and 27), as recited in claims 22 and 23. The shelves of JP '107 have follower rollers, as also recited in claim 23. The lift platform of JP '107 has its transfer portion (35) between the guide surfaces, as recited in claim 24.

6. Claims 21 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over JP '521 et al in view of Bernard et al. JP '521 shows the shows the basic claimed overhead traveling carriage system and stocker, as detailed above, but varies from the claims by not having the elevator platform (104) engaging a bottom surface of the load (3). Figure 2 of Bernard et al shows a similar automated lift platform with an engagement member (34) engaging the bottom surface of the article (26). It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the lift stage of the elevator of JP '521 by forming its platform as a surface which supports the load from underneath and guides it with rollers, for a smooth transfer between the elevator and the shelves, as taught by Bernard et al. The lift platform of Bernard includes guide member (rollers 36), as recited in claim 22.

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7. Claims 23-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over JP '521 et al in view of Bernard et al, as applied above to claim 22, and further in view of JP '107. JP '521, as modified, shows the basic claimed overhead traveling carriage system and stocker, as detailed above, but varies from claim 23s by not having rollers on the shelves. JP '107 shows a similar automated storage system with rollers (26 and 27) at the shelves. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the shelves of the stocker of JP '521 by providing them with roller guides for a smooth transfer between the elevator and the shelves, as taught by JP '107. The lift platform of Bernard et al has the transfer device (34) between the guide members (rollers 130), as recited in claim 24, and has fixed guides (136) and moving guides (32), as recited in claim 25.

8. Claim 26 is objected to as depending from a rejected claim and would be allowable if rewritten in independent form including all the limitations of the base claim and the intervening claims. The withdrawal of the previous indication of allowability of claim 25 is regretted. An inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Brahan whose telephone number is (571) 272-6921. The examiner's supervisor, Ms. Katherine Matecki, can be reached at (571) 272-6951. The new fax number for all patent applications is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Questions regarding access to the Private PAIR system, should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Thomas J. Brahan
Primary Examiner
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